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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/057,394 04/08/98 DE BOOR

A 3228

EXAMINER

BAROT, B

ART UNIT	PAPER NUMBER
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2758

DATE MAILED:

10/22/99

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LM51/1022

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/057,394

Applicant(s)
Adam De Boor et al.

Examiner
Bharat Barot

Group Art Unit
2758



☒ Responsive to communication(s) filed on Apr 8, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-42 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-42 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2758

DETAILED ACTION

Election/Restriction

1. A telephone call was made to Robert R. Sachs on October 10, 1999 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventor ship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor ship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

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3. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1, 6-10, 15-17, 19-24, 27, 30, 32-34, 37, and 40-41 are drawn to a wireless communication device comprising a browser and a browser program product for controlling the operation of the wireless communication device, classified in class 370 subclass 310; and class 379 subclass 58.

II. Claims 2-5, 11-14, 18, 25-26, 28-29, 31, 35-36, 38-39, and 42 are drawn to an apparatus and a computer implemented method of processing data in a client-server system, classified in class 709 subclass 217.

4. Inventions Groups I and II are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the Inventions Group II does not rely on specific details of the subcombination as claimed in Group I such as a wireless communication device comprising a browser and a browser program product for controlling the operation of the wireless communication device. The subcombination has separate utility such as an apparatus and a computer

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implemented method of processing data in a client-server system for displaying the pages and navigating the pages, thus the subcombination is not essential to the combination.

5. These inventions are distinct for the reasons given above, and the search required for each Group is different and not co-extensive for examination purposes.

6. For example, the searches for the two inventions would not be co-extensive because these groups would required different searches on PTO's classification class and subclass as following :

A. The group I (claims 1, 6-10, 15-17, 19-24, 27, 30, 32-34, 37, and 40-41) would require use of search class 370 subclass 310; and class 379 subclass 58 which would not required for the group II.

B. The group II (claims 2-5, 11-14, 18, 25-26, 28-29, 31, 35-36, 38-39, and 42) would require use of search class 709 subclass 217, which would not required for the group I.

7. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

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Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose telephone number is (703) 305-4092. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ahmad Matar**, can be reached on (703) 305-4731. The fax phone number for examiner's Art Unit or Group is (703) 305-9731.


Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

B/B

Patent Examiner Bharat Barot

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October 19, 1999


ZARNI MAUNG
PRIMARY EXAMINER